



Montana Legislative History

Chapter: 46 Session L: 2021

Bill Number: SB 112

Checklist of Bill History

History and Final Status Sheet	x
Introduced Bill	X
Fiscal Note	n/a
Third Reading Bill	X
Final Version of Bill	X

House

Committee:

Business and
Labor

Hearing Date(s):

[Feb. 4, 2021](#)

[Feb. 5, 2021](#)

(Exec. Action)

Senate

Committee: Business, Labor and Economic
Affairs

Hearing Date(s):

[Jan. 19, 2021](#)

[Jan. 21, 2021](#) (Exec. Action)

Conference Committee

Hearing Date(s):

Conference Committee Report:

Compiler Notes

Compiled by: sg

Date: 10/24/24

Notes:

Bill Explorer - SB 112: Revise construction laws

Summary

Sponsoredby: [Fitzpatrick, Steve](#)
(R) SD 10

Progress		
Status	Date	Passed
Introduced	01/14/21	✓
Passed (S) Committee	01/15/21	✓
Passed Senate	01/21/21	✓
Passed (H) Committee	01/27/21	✓
Passed House	02/05/21	✓
To Governor	02/15/21	✓

Draft #	LC0917
Amendment(s)	No
Chapter #	46
Current Status	Chapter Number Assigned
Co-Sponsor(s)	None
Drafter	Carroll, Joe
Requester	Fitzpatrick, Steve
Fiscal Note	No

Preintroduction Required	No
Category	General Bills
Subject(s)	Property,
Transmittal Date	03/02/21
Return Date	04/20/21

Sections Affected	Effective Date	Qualifier
All Sections	10/01/2021	

Bill Explorer - SB 112: Revise construction laws

Status

Date	Action	Committee	Yes Votes	No Votes
03/01/21	Chapter Number Assigned			
03/01/21	(S) Signed by Governor			
02/22/21	(S) Transmitted to Governor			
02/19/21	(H) Signed by Speaker			
02/18/21	(S) Signed by President			
02/18/21	(C) Printed - Enrolled Version Available			
02/18/21	(S) Returned from Enrolling			
02/16/21	(S) Sent to Enrolling			
02/15/21	(H) Returned to Senate			
02/15/21	(H) 3rd Reading Concurred		74	25
02/15/21	(H) Scheduled for 3rd Reading			
02/12/21	(H) 2nd Reading Concurred		69	31
02/12/21	(H) Scheduled for 2nd Reading			
02/05/21	(H) Committee Report--Bill Concurred	(H) Business and Labor		
02/05/21	(H) Committee Executive Action--Bill Concurred	(H) Business and Labor	15	5

Date	Action	Committee	Yes Votes	No Votes
02/05/21	(C) Amendments Available			
02/04/21	(H) Hearing	(H) Business and Labor		
01/29/21	(H) First Reading			
01/29/21	(H) Referred to Committee	(H) Business and Labor		
01/27/21	(S) Transmitted to House			
01/27/21	(S) 3rd Reading Passed		50	0
01/27/21	(S) Scheduled for 3rd Reading			
01/26/21	(S) 2nd Reading Passed		50	0
01/26/21	(S) Scheduled for 2nd Reading			
01/21/21	(S) Committee Report--Bill Passed	(S) Business, Labor, and Economic Affairs	9	0
01/21/21	(S) Committee Executive Action--Bill Passed	(S) Business, Labor, and Economic Affairs	9	0
01/19/21	(S) Hearing	(S) Business, Labor, and Economic Affairs		
01/15/21	(S) Referred to Committee	(S) Business, Labor, and Economic Affairs		
01/15/21	(S) First Reading			
01/14/21	(C) Introduced Bill Text Available Electronically			
01/14/21	(S) Introduced			
01/14/21	(C) Draft Delivered to Requester			
01/03/21	(C) Draft Ready for Delivery			

Date	Action	Committee	Yes Votes	No Votes
12/31/20	(C) Executive Director Final Review			
12/31/20	(C) Draft Ready for Delivery			
12/24/20	(C) Draft in Assembly			
12/23/20	(C) Executive Director Review			
12/23/20	(C) Bill Draft Text Available Electronically			
12/23/20	(C) Draft in Final Drafter Review			
12/23/20	(C) Draft in Input/Proofing			
12/17/20	(C) Draft to Drafter - Edit Review			
11/27/20	(C) Draft in Edit			
11/27/20	(C) Draft in Legal Review			
11/25/20	(C) Draft to Requester for Review			
11/24/20	(C) Draft Taken Off Hold			
11/16/20	(C) Draft On Hold			
11/10/20	(C) Draft Request Received			

Showing 1 to 47 of 47 entries

Fiscal

Date	Status
No matching results found	
Fiscal Documents	
No matching results found	
Fiscal Rebuttals	
No matching results found	

Amendments

Amendment	Condensed Version
SB0112.001.001.pdf	No
SB0112.001.001_instructions.pdf	No
SB0112.001.003.pdf	No
SB0112.001.003_instructions.pdf	No

Documents And Links

Previous Versions

[SB0112_X.pdf](#)

[SB0112_1.pdf](#)

Other

None

CHAPTER NO. 45

[SB 97]

AN ACT ELIMINATING THE TERMINATION DATE FOR ACTIVE SUPERVISION OF LICENSING BOARD ACTIONS THAT ARE ANTICOMPETITIVE; REPEALING SECTION 8, CHAPTER 322, LAWS OF 2017; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Repealer. Section 8, Chapter 322, Laws of 2017, is repealed.

Section 2. Effective date. [This act] is effective on passage and approval.

Approved March 1, 2021

CHAPTER NO. 46

[SB 112]

AN ACT REVISING CONSTRUCTION DISPUTE LAWS; PRECLUDING SIMULTANEOUS CONSUMER PROTECTION ACTIONS AND RESIDENTIAL CONSTRUCTION DISPUTES; AND AMENDING SECTIONS 30-14-133 AND 70-19-427, MCA.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 30-14-133, MCA, is amended to read:

“30-14-133. Damages – limitation on residential construction disputes – notice to public agencies – attorney fees – prior judgment as evidence. (1) *⚠ (a) Except as provided in subsection (1)(b), a consumer who suffers any ascertainable loss of money or property, real or personal, as a result of the use or employment by another person of a method, act, or practice declared unlawful by 30-14-103 may bring an individual action but not a class action under the rules of civil procedure in the district court of the county in which the seller, lessor, or service provider resides or has its principal place of business or is doing business to recover actual damages or \$500, whichever is greater. An individual claim may be brought in justice’s court. The court may, in its discretion, award up to three times the actual damages sustained and may provide any other equitable relief that it considers necessary or proper.*

(b) A consumer may not bring or maintain an action under this section if the consumer is bringing an action subject to 70-19-427 or 70-19-428 against a construction professional.

(2) Upon commencement of any action brought under subsection (1), the clerk of court shall mail a copy of the complaint or initial pleading to the department and the appropriate county attorney and, upon entry of any judgment or decree in the action, shall mail a copy of the judgment or decree to the department and the appropriate county attorney.

(3) In any action brought under this section, the court may award the prevailing party reasonable attorney fees incurred in prosecuting or defending the action. A person who brings an action on the person’s own behalf without an attorney may receive attorney fees at the judge’s discretion.

(4) Any permanent injunction, judgment, or order of the court made under 30-14-111 is prima facie evidence in an action brought under this section that the respondent used or employed a method, act, or practice declared unlawful by 30-14-103.”

Section 2. Section 70-19-427, MCA, is amended to read:

“70-19-427. Residential construction disputes – limitation on consumer protection actions – notice and opportunity to repair – tolling of statute of limitations – presumption of compliance with construction standards. (1) Prior to commencing an action against a construction professional for a construction defect, the claimant shall serve written notice of claim on the construction professional. The notice of claim must state that the claimant asserts a construction defect claim against the construction professional and must describe the claim in reasonable detail sufficient to determine the general nature of the defect. If a written notice of claim is served under this section within the time prescribed for the filing of an action under 27-2-208, the statute of limitations for construction defect claims is tolled. *Assertion of a claim under this section precludes a claimant from bringing or maintaining an action under 30-14-133.*

(2) Within 21 days after service of the notice of claim, the construction professional shall serve a written response on the claimant. The written response must:

(a) propose to inspect the residence that is the subject of the claim and to complete the inspection within a specified timeframe. The proposal must include the statement that the construction professional shall, based on the inspection, offer to remedy the defect, compromise by payment, or dispute the claim;

(b) offer to compromise and settle the claim by monetary payment without inspection; or

(c) state that the construction professional disputes the claim and will neither remedy the construction defect nor compromise and settle the claim.

(3) (a) If the construction professional disputes the claim or does not respond to the claimant's notice of claim within the time stated in subsection (2), the claimant may bring an action against the construction professional for the claim described in the notice of claim without further notice.

(b) If the claimant rejects the inspection proposal or the settlement offer made by the construction professional pursuant to subsection (2), the claimant shall serve written notice of the claimant's rejection on the construction professional. After service of the notice of rejection, the claimant may bring an action against the construction professional for the construction defect claim described in the notice of claim. If the construction professional has not received from the claimant, within 30 days after the claimant's receipt of the construction professional's response, either an acceptance or rejection of the inspection proposal or settlement offer, then at any time after that date the construction professional may terminate the proposal or offer by serving written notice on the claimant. The claimant may, after service, bring an action against the construction professional for the construction defect claim described in the notice of claim.

(4) (a) If the claimant elects to allow the construction professional to inspect in accordance with the construction professional's proposal pursuant to subsection (2)(a), the claimant shall provide the construction professional and its contractors or other agents reasonable access to the claimant's residence, as agreed by the parties, to inspect the premises and the claimed defect.

(b) Within 14 days following completion of the inspection, the construction professional shall serve on the claimant:

(i) a written offer to remedy the construction defect at no cost to the claimant, including a report of the scope of the inspection, the findings and results of the inspection, a description of the additional construction necessary

to remedy the defect described in the claim, and a timetable for the completion of the construction;

(ii) a written offer to compromise and settle the claim by monetary payment pursuant to subsection (2)(b);

(iii) a written offer to remedy the claim through a combination of repair and monetary payment pursuant to subsection (2)(b); or

(iv) a written statement setting forth the reasons why the construction professional will not proceed further to remedy the alleged defect.

(c) If the construction professional does not proceed further to remedy the alleged construction defect within the agreed-upon time or if the construction professional fails to comply with the provisions of subsection (4)(b), the claimant may bring an action against the construction professional for the claim described in the notice of claim without further notice.

(d) If the claimant rejects the offer made by the construction professional pursuant to subsection (4)(b)(i) or (4)(b)(ii) to either remedy the construction defect or to compromise and settle the claim by monetary payment, the claimant shall serve written notice of the claimant's rejection on the construction professional. After service of the rejection notice, the claimant may bring an action against the construction professional for the construction defect claim described in the notice of claim. If the construction professional has not received from the claimant, within 30 days after the claimant's receipt of the offer made pursuant to subsection (4)(b)(i) or (4)(b)(ii), then at any time after that date the construction professional may terminate the offer by serving written notice on the claimant.

(5) (a) Any claimant accepting the offer of a construction professional to remedy the construction defect pursuant to subsection (4)(b)(i) or (4)(b)(iii) shall do so by serving the construction professional with a written notice of acceptance within 30 days after receipt of the offer. The claimant shall provide the construction professional and its contractors or other agents reasonable access to the claimant's residence during normal working hours to perform and complete the construction according to the timetable stated in the offer.

(b) The claimant and construction professional may, by written mutual agreement, alter the extent of construction or the timetable for completion of construction stated in the offer, including but not limited to repair of additional defects.

(6) Subsequently discovered claims of construction defects must be administered separately under 70-19-428 and this section, unless otherwise agreed to by the parties.

(7) This section may not be construed to prevent a claimant from commencing an action on the construction defect claim described in the notice of claim if the construction professional fails to perform the construction agreed upon, fails to remedy the defect, or fails to perform within the time agreed upon pursuant to subsection (4)(b) or (5)(b).

(8) This section may not be enforced unless the ~~home owner~~ *homeowner* has been given written notice of the requirements of 70-19-426, 70-19-428, and this section."

Approved March 1, 2021

SENATE BILL NO. 112

INTRODUCED BY S. FITZPATRICK

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING CONSTRUCTION DISPUTE LAWS; PRECLUDING
SIMULTANEOUS CONSUMER PROTECTION ACTIONS AND RESIDENTIAL CONSTRUCTION DISPUTES;
AND AMENDING SECTIONS 30-14-133 AND 70-19-427, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 30-14-133, MCA, is amended to read:

**"30-14-133. Damages -- limitation on residential construction disputes -- notice to public
agencies -- attorney fees -- prior judgment as evidence.** (1) ~~A~~(a) Except as provided in subsection (1)(b), a
consumer who suffers any ascertainable loss of money or property, real or personal, as a result of the use or
employment by another person of a method, act, or practice declared unlawful by 30-14-103 may bring an
individual action but not a class action under the rules of civil procedure in the district court of the county in
which the seller, lessor, or service provider resides or has its principal place of business or is doing business to
recover actual damages or \$500, whichever is greater. An individual claim may be brought in justice's court.
The court may, in its discretion, award up to three times the actual damages sustained and may provide any
other equitable relief that it considers necessary or proper.

(b) A consumer may not bring or maintain an action under this section if the consumer is bringing an
action subject to 70-19-427 or 70-19-428 against a construction professional.

(2) Upon commencement of any action brought under subsection (1), the clerk of court shall mail a
copy of the complaint or initial pleading to the department and the appropriate county attorney and, upon entry
of any judgment or decree in the action, shall mail a copy of the judgment or decree to the department and the
appropriate county attorney.

(3) In any action brought under this section, the court may award the prevailing party reasonable
attorney fees incurred in prosecuting or defending the action. A person who brings an action on the person's
own behalf without an attorney may receive attorney fees at the judge's discretion.

(4) Any permanent injunction, judgment, or order of the court made under 30-14-111 is prima facie evidence in an action brought under this section that the respondent used or employed a method, act, or practice declared unlawful by 30-14-103."

Section 2. Section 70-19-427, MCA, is amended to read:

"70-19-427. Residential construction disputes -- limitation on consumer protection actions -- notice and opportunity to repair -- tolling of statute of limitations -- presumption of compliance with construction standards. (1) Prior to commencing an action against a construction professional for a construction defect, the claimant shall serve written notice of claim on the construction professional. The notice of claim must state that the claimant asserts a construction defect claim against the construction professional and must describe the claim in reasonable detail sufficient to determine the general nature of the defect. If a written notice of claim is served under this section within the time prescribed for the filing of an action under 27-2-208, the statute of limitations for construction defect claims is tolled. Assertion of a claim under this section precludes a claimant from bringing or maintaining an action under 30-14-133.

(2) Within 21 days after service of the notice of claim, the construction professional shall serve a written response on the claimant. The written response must:

(a) propose to inspect the residence that is the subject of the claim and to complete the inspection within a specified timeframe. The proposal must include the statement that the construction professional shall, based on the inspection, offer to remedy the defect, compromise by payment, or dispute the claim;

(b) offer to compromise and settle the claim by monetary payment without inspection; or

(c) state that the construction professional disputes the claim and will neither remedy the construction defect nor compromise and settle the claim.

(3) (a) If the construction professional disputes the claim or does not respond to the claimant's notice of claim within the time stated in subsection (2), the claimant may bring an action against the construction professional for the claim described in the notice of claim without further notice.

(b) If the claimant rejects the inspection proposal or the settlement offer made by the construction professional pursuant to subsection (2), the claimant shall serve written notice of the claimant's rejection on the construction professional. After service of the notice of rejection, the claimant may bring an action against the

1 construction professional for the construction defect claim described in the notice of claim. If the construction
2 professional has not received from the claimant, within 30 days after the claimant's receipt of the construction
3 professional's response, either an acceptance or rejection of the inspection proposal or settlement offer, then at
4 any time after that date the construction professional may terminate the proposal or offer by serving written
5 notice on the claimant. The claimant may, after service, bring an action against the construction professional for
6 the construction defect claim described in the notice of claim.

7 (4) (a) If the claimant elects to allow the construction professional to inspect in accordance with the
8 construction professional's proposal pursuant to subsection (2)(a), the claimant shall provide the construction
9 professional and its contractors or other agents reasonable access to the claimant's residence, as agreed by
10 the parties, to inspect the premises and the claimed defect.

11 (b) Within 14 days following completion of the inspection, the construction professional shall serve on
12 the claimant:

13 (i) a written offer to remedy the construction defect at no cost to the claimant, including a report of the
14 scope of the inspection, the findings and results of the inspection, a description of the additional construction
15 necessary to remedy the defect described in the claim, and a timetable for the completion of the construction;

16 (ii) a written offer to compromise and settle the claim by monetary payment pursuant to subsection
17 (2)(b);

18 (iii) a written offer to remedy the claim through a combination of repair and monetary payment pursuant
19 to subsection (2)(b); or

20 (iv) a written statement setting forth the reasons why the construction professional will not proceed
21 further to remedy the alleged defect.

22 (c) If the construction professional does not proceed further to remedy the alleged construction defect
23 within the agreed-upon time or if the construction professional fails to comply with the provisions of subsection
24 (4)(b), the claimant may bring an action against the construction professional for the claim described in the
25 notice of claim without further notice.

26 (d) If the claimant rejects the offer made by the construction professional pursuant to subsection
27 (4)(b)(i) or (4)(b)(ii) to either remedy the construction defect or to compromise and settle the claim by monetary
28 payment, the claimant shall serve written notice of the claimant's rejection on the construction professional.

1 After service of the rejection notice, the claimant may bring an action against the construction professional for
2 the construction defect claim described in the notice of claim. If the construction professional has not received
3 from the claimant, within 30 days after the claimant's receipt of the construction professional's response, either
4 an acceptance or rejection of the offer made pursuant to subsection (4)(b)(i) or (4)(b)(ii), then at any time after
5 that date the construction professional may terminate the offer by serving written notice on the claimant.

6 (5) (a) Any claimant accepting the offer of a construction professional to remedy the construction
7 defect pursuant to subsection (4)(b)(i) or (4)(b)(iii) shall do so by serving the construction professional with a
8 written notice of acceptance within 30 days after receipt of the offer. The claimant shall provide the construction
9 professional and its contractors or other agents reasonable access to the claimant's residence during normal
10 working hours to perform and complete the construction according to the timetable stated in the offer.

11 (b) The claimant and construction professional may, by written mutual agreement, alter the extent of
12 construction or the timetable for completion of construction stated in the offer, including but not limited to repair
13 of additional defects.

14 (6) Subsequently discovered claims of construction defects must be administered separately under
15 70-19-428 and this section, unless otherwise agreed to by the parties.

16 (7) This section may not be construed to prevent a claimant from commencing an action on the
17 construction defect claim described in the notice of claim if the construction professional fails to perform the
18 construction agreed upon, fails to remedy the defect, or fails to perform within the time agreed upon pursuant to
19 subsection (4)(b) or (5)(b).

20 (8) This section may not be enforced unless the ~~home owner~~ homeowner has been given written
21 notice of the requirements of 70-19-426, 70-19-428, and this section."

22 - END -



AN ACT REVISING CONSTRUCTION DISPUTE LAWS; PRECLUDING SIMULTANEOUS CONSUMER PROTECTION ACTIONS AND RESIDENTIAL CONSTRUCTION DISPUTES; AND AMENDING SECTIONS 30-14-133 AND 70-19-427, MCA.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 30-14-133, MCA, is amended to read:

"30-14-133. Damages -- limitation on residential construction disputes -- notice to public agencies -- attorney fees -- prior judgment as evidence. (1) ~~A~~-(a) Except as provided in subsection (1)(b), a consumer who suffers any ascertainable loss of money or property, real or personal, as a result of the use or employment by another person of a method, act, or practice declared unlawful by 30-14-103 may bring an individual action but not a class action under the rules of civil procedure in the district court of the county in which the seller, lessor, or service provider resides or has its principal place of business or is doing business to recover actual damages or \$500, whichever is greater. An individual claim may be brought in justice's court. The court may, in its discretion, award up to three times the actual damages sustained and may provide any other equitable relief that it considers necessary or proper.

(b) A consumer may not bring or maintain an action under this section if the consumer is bringing an action subject to 70-19-427 or 70-19-428 against a construction professional.

(2) Upon commencement of any action brought under subsection (1), the clerk of court shall mail a copy of the complaint or initial pleading to the department and the appropriate county attorney and, upon entry of any judgment or decree in the action, shall mail a copy of the judgment or decree to the department and the appropriate county attorney.

(3) In any action brought under this section, the court may award the prevailing party reasonable attorney fees incurred in prosecuting or defending the action. A person who brings an action on the person's

own behalf without an attorney may receive attorney fees at the judge's discretion.

(4) Any permanent injunction, judgment, or order of the court made under 30-14-111 is prima facie evidence in an action brought under this section that the respondent used or employed a method, act, or practice declared unlawful by 30-14-103."

Section 2. Section 70-19-427, MCA, is amended to read:

"70-19-427. Residential construction disputes -- limitation on consumer protection actions -- notice and opportunity to repair -- tolling of statute of limitations -- presumption of compliance with construction standards. (1) Prior to commencing an action against a construction professional for a construction defect, the claimant shall serve written notice of claim on the construction professional. The notice of claim must state that the claimant asserts a construction defect claim against the construction professional and must describe the claim in reasonable detail sufficient to determine the general nature of the defect. If a written notice of claim is served under this section within the time prescribed for the filing of an action under 27-2-208, the statute of limitations for construction defect claims is tolled. Assertion of a claim under this section precludes a claimant from bringing or maintaining an action under 30-14-133.

(2) Within 21 days after service of the notice of claim, the construction professional shall serve a written response on the claimant. The written response must:

- (a) propose to inspect the residence that is the subject of the claim and to complete the inspection within a specified timeframe. The proposal must include the statement that the construction professional shall, based on the inspection, offer to remedy the defect, compromise by payment, or dispute the claim;
- (b) offer to compromise and settle the claim by monetary payment without inspection; or
- (c) state that the construction professional disputes the claim and will neither remedy the construction defect nor compromise and settle the claim.

(3) (a) If the construction professional disputes the claim or does not respond to the claimant's notice of claim within the time stated in subsection (2), the claimant may bring an action against the construction professional for the claim described in the notice of claim without further notice.

(b) If the claimant rejects the inspection proposal or the settlement offer made by the construction professional pursuant to subsection (2), the claimant shall serve written notice of the claimant's rejection on the

construction professional. After service of the notice of rejection, the claimant may bring an action against the construction professional for the construction defect claim described in the notice of claim. If the construction professional has not received from the claimant, within 30 days after the claimant's receipt of the construction professional's response, either an acceptance or rejection of the inspection proposal or settlement offer, then at any time after that date the construction professional may terminate the proposal or offer by serving written notice on the claimant. The claimant may, after service, bring an action against the construction professional for the construction defect claim described in the notice of claim.

(4) (a) If the claimant elects to allow the construction professional to inspect in accordance with the construction professional's proposal pursuant to subsection (2)(a), the claimant shall provide the construction professional and its contractors or other agents reasonable access to the claimant's residence, as agreed by the parties, to inspect the premises and the claimed defect.

(b) Within 14 days following completion of the inspection, the construction professional shall serve on the claimant:

(i) a written offer to remedy the construction defect at no cost to the claimant, including a report of the scope of the inspection, the findings and results of the inspection, a description of the additional construction necessary to remedy the defect described in the claim, and a timetable for the completion of the construction;

(ii) a written offer to compromise and settle the claim by monetary payment pursuant to subsection (2)(b);

(iii) a written offer to remedy the claim through a combination of repair and monetary payment pursuant to subsection (2)(b); or

(iv) a written statement setting forth the reasons why the construction professional will not proceed further to remedy the alleged defect.

(c) If the construction professional does not proceed further to remedy the alleged construction defect within the agreed-upon time or if the construction professional fails to comply with the provisions of subsection (4)(b), the claimant may bring an action against the construction professional for the claim described in the notice of claim without further notice.

(d) If the claimant rejects the offer made by the construction professional pursuant to subsection (4)(b)(i) or (4)(b)(ii) to either remedy the construction defect or to compromise and settle the claim by monetary

payment, the claimant shall serve written notice of the claimant's rejection on the construction professional.

After service of the rejection notice, the claimant may bring an action against the construction professional for the construction defect claim described in the notice of claim. If the construction professional has not received from the claimant, within 30 days after the claimant's receipt of the construction professional's response, either an acceptance or rejection of the offer made pursuant to subsection (4)(b)(i) or (4)(b)(ii), then at any time after that date the construction professional may terminate the offer by serving written notice on the claimant.

(5) (a) Any claimant accepting the offer of a construction professional to remedy the construction defect pursuant to subsection (4)(b)(i) or (4)(b)(iii) shall do so by serving the construction professional with a written notice of acceptance within 30 days after receipt of the offer. The claimant shall provide the construction professional and its contractors or other agents reasonable access to the claimant's residence during normal working hours to perform and complete the construction according to the timetable stated in the offer.

(b) The claimant and construction professional may, by written mutual agreement, alter the extent of construction or the timetable for completion of construction stated in the offer, including but not limited to repair of additional defects.

(6) Subsequently discovered claims of construction defects must be administered separately under 70-19-428 and this section, unless otherwise agreed to by the parties.

(7) This section may not be construed to prevent a claimant from commencing an action on the construction defect claim described in the notice of claim if the construction professional fails to perform the construction agreed upon, fails to remedy the defect, or fails to perform within the time agreed upon pursuant to subsection (4)(b) or (5)(b).

(8) This section may not be enforced unless the ~~home owner~~ homeowner has been given written notice of the requirements of 70-19-426, 70-19-428, and this section."

- END -

I hereby certify that the within bill,
SB 112, originated in the Senate.

Secretary of the Senate

President of the Senate

Signed this _____ day
of _____, 2021.

Speaker of the House

Signed this _____ day
of _____, 2021.

SENATE BILL NO. 112

INTRODUCED BY S. FITZPATRICK

AN ACT REVISING CONSTRUCTION DISPUTE LAWS; PRECLUDING SIMULTANEOUS CONSUMER PROTECTION ACTIONS AND RESIDENTIAL CONSTRUCTION DISPUTES; AND AMENDING SECTIONS 30-14-133 AND 70-19-427, MCA.

MINUTES

MONTANA SENATE 67th LEGISLATURE - REGULAR SESSION

COMMITTEE ON BUSINESS, LABOR, AND ECONOMIC AFFAIRS

Call to Order: Chair Steve Fitzpatrick, on January 19, 2021 at 9:00 A.M., in Room 422 Capitol

ROLL CALL

Members Present in the Committee Room:

Sen. Steve Fitzpatrick, Chair (R)
Sen. Gordon Vance, Vice Chair (R)
Sen. Terry Gauthier (R)
Sen. Bruce Gillespie (R)
Sen. Jason D. Small (R)
Sen. Mark Sweeney (D)

Members Present by Zoom Video Conference:

Sen. Carlie Boland, Vice Chair (D)
Sen. Mike Fox (D)
Sen. Christopher Pope (D)

Members Excused:

Sen. Jason W. Ellsworth (R)
Sen. Cary Smith (R)

Members Absent: None

Staff Present: Olivia Hopkins, Committee Secretary
Clara Bentler, Remote Meeting Coordinator
Sonja Nowakowski, Legislative Branch
Erin Sullivan, Legislative Branch

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: SB 91, 1/15/2021; HB 79, 1/15/2021; SB 112, 1/18/2021

Executive Action: SB 90, SB 97, SB 102

09:03:12 Sen. Vance assumed the duties of the chair.

HEARING ON SB 112

Opening Statement by Sponsor:

09:03:25 Sen. Steve Fitzpatrick (R), SD 10, opened the hearing on SB 112, Revise construction laws.

Proponents' Testimony:

09:06:11 Abigail St. Lawrence, Montana Building Industry Association

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

09:09:23 Sen. Boland
09:10:18 Sen. Fitzpatrick
09:13:23 Sen. Boland
09:13:35 Sen. Gillespie
09:14:05 Sen. Fitzpatrick
09:16:09 Sen. Pope
09:17:09 Sen. Fitzpatrick
09:17:57 Sen. Pope
09:18:29 Sen. Fitzpatrick

Closing by Sponsor:

09:18:48 Sen. Fitzpatrick

09:19:11 Sen. Fitzpatrick assumed the duties of the chair.

09:19:06 Chair Fitzpatrick

HEARING ON SB 91

Opening Statement by Sponsor:

09:19:16 Sen. Gordon Vance (R), SD 34, opened the hearing on SB 91, Require fiscal notes to include business impact.

Proponents' Testimony:

09:20:42 Rachel Cone, Montana Farm Bureau Federation
09:22:09 Sen. Vance speaking for Bridger Mahlum on behalf of the Montana Chamber of Commerce.
09:22:27 Sen. Fitzpatrick

Opponents' Testimony:

09:23:06 Heather O'Loughlin, Montana Budget and Policy Center

EXHIBIT(bus12a01)

Informational Testimony:

09:26:29 Ryan Evans, Governor's Office of Budget & Program Planning (OBPP)

Questions from Committee Members and Responses:

09:27:09 Sen. Gillespie
 09:27:50 Sen. Vance
 09:28:10 Sen. Gillespie
 09:28:43 Sen. Vance
 09:29:21 Sen. Gillespie
 09:29:29 Sen. Gauthier
 09:30:09 Sen. Vance
 09:30:32 Sen. Gauthier
 09:30:59 Sen. Boland
 09:31:09 Sen. Vance
 09:31:22 Sen. Pope
 09:32:25 Sen. Vance
 09:32:47 Sen. Pope
 09:33:28 Sen. Small
 09:34:09 Mr. Evans, OBPP
 09:35:37 Chair Fitzpatrick
 09:35:56 Mr. Evans
 09:36:18 Chair Fitzpatrick
 09:36:36 Mr. Evans
 09:37:25 Chair Fitzpatrick
 09:37:55 Mr. Evans
 09:38:14 Sen. Gauthier
 09:38:43 Mr. Evans

Closing by Sponsor:

09:39:21 Sen. Vance
 09:40:24 Chair Fitzpatrick

HEARING ON HB 79

Opening Statement by Sponsor:

09:40:48 Rep. Mark Noland (R), HD 10, opened the hearing on HB 79, Revised definition of beer to include other fermented-style beverages.

Proponents' Testimony:

09:43:31 Melissa Lewis, Molson Coors Beverage Company
[EXHIBIT\(bus12a02\)](#)
 09:46:05 Pat Noonan, Montana Beer and Wine Distributors Association
 09:46:59 John Iverson, Montana Tavern Association
 09:47:42 Neil Peterson, Gaming Industry Association
 09:48:19 Matt Leow, executive director, Montana Brewers Association
[EXHIBIT\(bus12a03\)](#)
 09:50:09 Becky Schlauch, Department of Revenue

Additional testimonies received:

[EXHIBIT\(bus12a04\)](#)

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

09:51:41 Sen. Gillespie

09:52:25 Ms. Lewis, Molson Coors

Closing by Sponsor:

09:53:10 Rep. Noland

09:53:52 Chair Fitzpatrick

09:54:39 Recess

10:00:15 Reconvene

10:00:16 Chair Fitzpatrick

EXECUTIVE ACTION ON SB 90

10:00:30 **Motion:** Sen. Vance moved that **SB 90 DO PASS**.

10:00:31 **Motion:** Sen. Small moved that **SB 90 BE AMENDED**.

[**EXHIBIT**](#)(bus12a05)

Discussion:

10:00:52 Sen. Small

10:01:27 Chair Fitzpatrick

10:01:50 **Vote:** Motion carried 9-0 by voice vote. Sen. Ellsworth and Sen. C. Smith were excused.

10:02:07 **Motion/Vote:** Sen. Vance moved that **SB 90 DO PASS AS AMENDED**. Motion carried 9-0 by voice vote. Sen. Ellsworth and Sen. C. Smith were excused.

EXECUTIVE ACTION ON SB 97

10:02:30 **Motion/Vote:** Sen. Vance moved that **SB 97 DO PASS**. Motion carried 9-0 by voice vote. Sen. Ellsworth and Sen. C. Smith were excused. .

EXECUTIVE ACTION ON SB 102

10:03:23 **Motion/Vote:** Sen. Vance moved that **SB 102 DO PASS**. Motion carried 9-0 by voice vote. Sen. Ellsworth and Sen. C. Smith were excused.

10:03:51 Chair Fitzpatrick

ADJOURNMENT

Adjournment: 10:04 A.M.

Olivia Hopkins, Secretary

oh

Additional Documents:

EXHIBIT([bus12aad.pdf](#))



2021 Session

Additional Documents

May include the following:

- **Business Report**
- **Roll Call - Attendance**
- **Standing Committee Reports**
- **Tabled Bills**
- **Fiscal Reports**
- **Roll Call Votes**
- **Informational Item's**
- **Witness Statements**
- **Any other type of documents such as:**
 - **@ Petitions {if any} Emails, all documents given to Committee Secretary after meeting.**

The original exhibit/items are on file at the Montana Historical Society and may be viewed there.

BUSINESS REPORT

**MONTANA SENATE
67th LEGISLATURE - REGULAR SESSION**

SENATE BUSINESS, LABOR, AND ECONOMIC AFFAIRS COMMITTEE

Date: Tuesday, January 19, 2021

Place: Capitol

Time: 9:00 A.M.

Room: 422

BILLS and RESOLUTIONS HEARD:

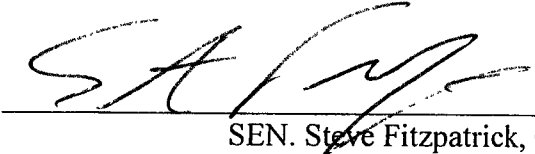
HB 79 - Revised definition of beer to include other fermented-style beverages - Rep. Mark Noland (R)

SB 91 - Require fiscal notes to include business impact - Sen. Gordon Vance (R)

SB 112 - Revise construction laws - Sen. Steve Fitzpatrick (R)

EXECUTIVE ACTION TAKEN: SB 90, SB 97, SB 102

Comments: None

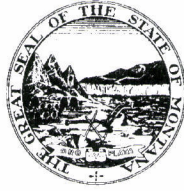


SEN. Steve Fitzpatrick, Chair

MONTANA STATE SENATE
Roll Call
BUSINESS AND LABOR COMMITTEE

DATE: January 19, 2021

<u>NAME</u>	<u>PRESENT</u>	<u>ABSENT/ EXCUSED</u>
VICE CHAIR VANCE	✓	
VICE CHAIR BOLAND	✓	
SEN. ELLSWORTH		✓
SEN. FOX	✓	
SEN. GAUTHIER	✓	
SEN. GILLESPIE	✓	
SEN. POPE	✓	
SEN. SMALL	✓	
SEN. SMITH		✓
SEN. SWEENEY	✓	
CHAIRMAN FITZPATRICK	✓	
11 Committee Members		



SENATE STANDING COMMITTEE REPORT

January 19, 2021

Page 1 of 1

Mr. President:

We, your committee on **Business, Labor, and Economic Affairs** report that **Senate Bill 90** (first reading copy -- white) **do pass as amended**.

Signed: _____

Senator Steve Fitzpatrick, Chair

And, that such amendments read:

1. Page 1, line 18 through line 19.

Strike: "as" on line 18 through "certification" on line 19

Insert: "or certification"

- END -

Committee Vote:

Yes 9, No 0

Fiscal Note Required ☐

SB0090002SC.slk



SENATE STANDING COMMITTEE REPORT

January 19, 2021

Page 1 of 1

Mr. President:

We, your committee on **Business, Labor, and Economic Affairs** report that **Senate Bill 97**
(first reading copy -- white) **do pass**.

Signed:

A blue ink signature of Senator Steve Fitzpatrick, written in a cursive style.
Senator Steve Fitzpatrick, Chair

- END -

Committee Vote:

Yes 9, No 0

Fiscal Note Required ☐

SB0097002SC.slk



SENATE STANDING COMMITTEE REPORT

January 19, 2021

Page 1 of 1

Mr. President:

We, your committee on **Business, Labor, and Economic Affairs** report that **Senate Bill 102**
(first reading copy -- white) **do pass.**

Signed: _____

Senator Steve Fitzpatrick, Chair

- END -

Committee Vote:

Yes 9, No 0

Fiscal Note Required ☐

SB0102002SC.slk

MONTANA STATE SENATE

Visitors Register

SENATE BUSINESS, LABOR, AND ECONOMIC AFFAIRS COMMITTEE

Tuesday, January 19, 2021

SB 91 - Require fiscal notes to include business impact

Sponsor: **Sen. Gordon Vance (R)**

PLEASE PRINT

[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

HB 79 - Revised definition of beer to include other fermented-style beverages
Sponsor: Rep. Mark Noland (R)

[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 67th LEGISLATURE - REGULAR SESSION

COMMITTEE ON BUSINESS AND LABOR

Call to Order: Chair Mark Noland, on February 4, 2021 at 08:30 AM, in Room 172
Capitol

ROLL CALL

Members Present:

Rep. Mark Noland, Chair (R)
Rep. Edward Buttrey, Vice Chair (R)
Rep. Katie Sullivan, Vice Chair (D)
Rep. Fred Anderson (R)
Rep. Willis Curdy (D)
Rep. Neil Duram (R)
Rep. Ross H. Fitzgerald (R)
Rep. Moffie Funk (D)
Rep. Steven Galloway (R)
Rep. Steve Gist (R)
Rep. Steve Gunderson (R)
Rep. Derek J. Harvey (D)
Rep. Denley M. Loge (R)
Rep. Ron Marshall (R)
Rep. Sara Novak (D)
Rep. Andrea Olsen (D)
Rep. Kerri Seekins-Crowe (R)
Rep. Rynalea Whiteman Pena (D)
Rep. Katie Zolnikov (R)

Members Excused:

Rep. Kim Abbott (D)

Members Absent: None

Staff Present:

Jordee Bomgardner, Committee Secretary
Jameson Walker, Legislative Branch
Cara Grewell, Remote Meeting Coordination

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: SB 28, 1/28/2021; SB 66, 1/28/2021; SB 70, 1/28/2021; SB 97,
1/28/2021; SB 112, 2/1/2021

Executive Action: HB 232, HB 249

HEARING ON SB 28

Opening Statement by Sponsor:

08:35:20 Sen. Daniel Salomon (R), SD 47, opened the hearing on SB 28, Revise captive insurance laws relating to examinations by the commissioner.

Proponents' Testimony:

08:36:58 Bob Biskupiak, Commissioner of Securities Insurance, Office of the Montana State Auditor (CSI)

08:41:27 Aimee Grmoljez, Crowley Fleck Law Firm; Montana Captive Insurance Association (MCIA)

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

08:44:39 Rep. Galloway

08:45:04 Aimee Grmoljez, MCIA

08:47:13 Rep. Galloway

08:47:40 Bob Biskupiak, CSI

Closing by Sponsor:

08:48:36 Sen. Salomon

HEARING ON SB 66

Opening Statement by Sponsor:

08:49:56 Sen. Steve Fitzpatrick (R), SD 10, opened the hearing on SB 66, Generally revise the Montana Business Corporation Act.

Proponents' Testimony:

08:51:39 Todd O'Hair, Montana Chamber of Commerce

08:52:07 Cary Hegreberg, Montana Bankers Association (MBA)

08:53:38 Keith Tokerud, Montana State Bar, Estate, Trust, Tax and Real Estate (BETTR) Section

[EXHIBIT\(buh24a01\)](#)

08:55:21 Vincent Kalafat, Montana State Bar, Estate, Trust, Tax and Real Estate (BETTR) Section

[EXHIBIT\(buh24a02\)](#)

Opponents' Testimony: None

Informational Testimony:

08:56:34 Kellee English, Office of The Secretary of State (SOS)

Questions from Committee Members and Responses:

08:57:11 Rep. Gist

08:58:55 Cary Henreberg, MBA

08:59:23 Rep. Loge
08:59:54 Cary Henreberg, MBA
09:01:18 Rep. Curdy
09:01:38 Sen. Fitzpatrick

Closing by Sponsor:

09:02:21 Sen. Fitzpatrick

HEARING ON SB 70

Opening Statement by Sponsor:

09:03:07 Sen. Steve Fitzpatrick (R), SD 10, opened the hearing on SB 70, Revise laws pertaining to physical therapists.

Proponents' Testimony:

09:04:34 Eric Melson, Montana Athletic Trainers Association (MTATA)

[EXHIBIT\(buh24a03\)](#)

09:05:48 Daniel Baris, Montana Department of Labor and Industry (DLI); Montana Board of Physical Therapy Examiners

09:08:41 Nikolas Griffith, American Physical Therapists Association (APTA)

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

09:10:05 Rep. Gunderson

09:10:28 Sen. Fitzpatrick

Closing by Sponsor:

09:11:25 Sen. Fitzpatrick

HEARING ON SB 97

Opening Statement by Sponsor:

09:12:16 Sen. Steve Fitzpatrick (R), SD 10, opened the hearing on SB 97, Remove sunset provision of active supervision laws for professional boards.

Proponents' Testimony:

09:15:15 Stacy Anderson, Montana Primary Care Association (MPCA)

09:16:34 Todd Younkin, Montana Department of Labor and Industry (DLI)

[EXHIBIT\(buh24a04\)](#)

Opponents' Testimony: None

Informational Testimony:

09:18:35 Colleen White, Montana Department of Labor and Industry (DLI)

Questions from Committee Members and Responses:

09:19:00 Rep. Duram
09:19:29 Jameson Walker, Legislative Services Division (LSD)
09:20:40 Rep. Olsen
09:21:10 Jameson Walker, LSD
09:21:41 Rep. Duram
09:21:49 Jameson Walker, LSD

Closing by Sponsor:

09:22:34 Sen. Fitzpatrick

HEARING ON SB 112**Opening Statement by Sponsor:**

09:23:15 Sen. Steve Fitzpatrick (R), SD 10, opened the hearing on SB 112, Revise construction laws.

Proponents' Testimony:

09:26:34 Abigail St. Lawrence, Montana Building Industry Association (MBIA)

Opponents' Testimony:

09:28:14 Al Smith, Montana Trial Lawyers Association (MTLA)

[EXHIBIT\(buh24a05\)](#)

Informational Testimony: None

Questions from Committee Members and Responses:

09:31:11 Vice Chair Buttrey
09:31:29 Sen. Fitzpatrick
09:32:04 Rep. Olsen
09:32:51 Al Smith, MTLA
09:34:40 Rep. Olsen
09:35:37 Sen. Fitzpatrick
09:36:00 Rep. Olsen

Closing by Sponsor:

09:36:13 Sen. Fitzpatrick

09:37:14 Chair Noland
09:39:17 Jameson Walker, LSD

09:39:53 Recess
10:04:04 Reconvened

EXECUTIVE ACTION ON HB 232

10:04:38 **Motion/Vote:** Rep. Buttrey moved that **HB 232 DO PASS**. Motion carried unanimously by voice vote. Rep. Abbott voted by proxy.

EXECUTIVE ACTION ON HB 249

10:05:33 **Motion:** Rep. Buttrey moved that **HB 249 DO PASS**.

Discussion:

10:05:56 Rep. Gist

10:06:13 Rep. Curdy

10:07:05 Rep. Loge

10:07:29 Rep. Duram

10:07:58 Rep. Galloway

10:08:26 **Vote:** Motion carried 18-2 by roll call vote with Rep. Curdy and Rep. Whiteman
Pena voting no. Rep. Abbott voted by proxy.

10:09:34 Chair Noland

10:09:45 Rep. Duram

10:10:09 Vice Chair Sullivan

10:10:17 Chair Noland

10:10:55 Rep. Curdy

10:11:29 Jameson Walker, LSD

ADJOURNMENT

Adjournment: 10:12:24

Jordee Bomgardner, Secretary

jb

Additional Documents:

EXHIBIT([buh24aad.pdf](#))

Consumer Protection Act

30-14-103. Unlawful practices. Unfair methods of competition and unfair or deceptive acts or practices in the conduct of any trade or commerce are unlawful.

Residential Construction Disputes

70-19-426. Residential construction disputes -- definitions. As used in 70-19-427, 70-19-428, and this section, the following definitions apply:

(1) (a) "Action" means any civil lawsuit or action in contract or tort for damage or indemnity brought against a construction professional to assert a claim, whether by complaint, counterclaim, or cross-claim, for damage or the loss of use of real or personal property caused by a defect in the construction or remodeling of a residence.

(b) The term does not include a civil action in tort alleging personal injury or wrongful death to a person or persons resulting from a construction defect.

(2) "Association" means a unit owners' organization or a nonprofit corporation created to own and operate portions of a planned community that has the power to require unit owners to pay the costs and expenses incurred in the performance of the association's obligations.

(3) "Claimant" means a home owner or association that asserts a claim against a construction professional concerning a defect in the construction or remodeling of a residence.

(4) **"Construction defect" means a deficiency in or arising out of the supervision, construction, or remodeling of a residence that results from any of the following:**

(a) defective materials, products, or components used in the construction or remodeling of a residence;

(b) violation of the applicable building, plumbing, or electrical codes in effect at the time of the construction or remodeling of a residence;

(c) failure to construct or remodel a residence in accordance with contract specifications or accepted trade standards.

(5) "Construction professional" means a builder, builder vendor, contractor, or subcontractor performing or furnishing the supervision of the construction or remodeling of any improvement to real property, whether operating as a sole proprietor, partnership, corporation, or other business entity.

(6) (a) "Home owner" means:

(i) any person, company, firm, partnership, corporation, or association who contracts with a construction professional for the remodeling, construction, or construction and sale of a residence; or

(ii) an association as defined in this section.

(b) The term home owner includes but is not limited to a subsequent purchaser of a residence from any home owner.

(7) "Residence" means a single-family house or a unit in a multiunit residential structure in which title to each individual unit is transferred to the owner under a condominium or cooperative system.

(8) "Serve" or "service" means personal service or delivery by certified mail to the last-known address of the addressee.

70-19-428. Construction defect disputes -- damages. (1) In a suit subject to 70-19-427 and this section, the claimant may recover only the following damages proximately caused by a construction defect:

(a) the reasonable cost of repairs necessary to cure any construction defect, including any reasonable and necessary engineering or consulting fees required to evaluate and cure the construction defect, that the contractor is responsible for repairing under 70-19-427;

(b) the reasonably necessary expenses of temporary housing during the repair period;

(c) the reduction in market value, if any, to the extent the reduction is due to a construction defect; and

(d) reasonable costs and attorney fees.

(2) Sections 70-19-426, 70-19-427, and this section do not supersede contractual alternative dispute resolution procedures contained in a contract between a claimant and a construction professional.



2021 Session

Additional Documents

May include the following:

- **Business Report**
- **Roll Call -Attendance**
- **Standing Committee Reports**
- **Tabled Bills**
- **Fiscal Reports**
- **Roll Call Votes**
- **Informational Item's**
- **Witness Statements**
- **Visitor Register**
- **Any other type of documents such as:**
 - Petitions, Pamphlets, Leaflets, Brochures, Emails, all documents given to Committee Secretary 24 hours after the meeting adjourned.**

The original exhibit/items are on file at the Montana Historical Society and may be viewed there.

Montana Historical Society Archives, 225 N. Roberts, Helena, MT 59620-1201

Phone (406) 444-4774.

E-Document Specialist Susie Hamilton

BUSINESS REPORT

MONTANA HOUSE OF REPRESENTATIVES 67th LEGISLATURE - REGULAR SESSION

HOUSE BUSINESS AND LABOR COMMITTEE

Date: Thursday, February 4, 2021

Place: Capitol

Time: 08:30 AM

Room: 172

BILLS and RESOLUTIONS HEARD:

SB 28 - Revise captive insurance laws relating to examinations by the commissioner - Sen. Daniel Salomon (R)

SB 66 - Generally revise the Montana Business Corporation Act - Sen. Steve Fitzpatrick (R)

SB 70 - Revise laws pertaining to physical therapists - Sen. Steve Fitzpatrick (R)

SB 97 - Remove sunset provision of active supervision laws for professional boards - Sen. Steve Fitzpatrick (R)

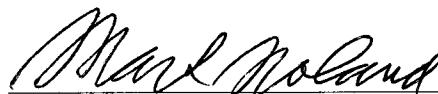
SB 112 - Revise construction laws - Sen. Steve Fitzpatrick (R)

EXECUTIVE ACTION TAKEN:

HB 232 - Do Pass

HB 249 - Do Pass

Comments:



REP. Mark Noland, Chair



The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

BUSINESS & LABOR COMMITTEE

ROLL CALL

DATE: 2-4-2021

NAME	PRESENT	ABSENT/EXCUSED
VICE CHAIR SULLIVAN	✓	
REP. CURDY	✓	
REP. OLSEN	✓	
REP. FUNK	✓	
REP. ABBOTT		✓
REP. WHITEMAN PENA	✓	
REP. FITZGERALD	✓	
REP. ANDERSON	✓	
REP. GALLOWAY	✓	
REP. LOGE	✓	
REP. SEEKINS-CROWE	✓	
REP. DURAM	✓	
REP. MARSHALL	✓	
REP. NOVAK	✓	
REP. GIST	✓	
REP. GUNDERSON	✓	
REP. ZOLNIKOV	✓	
REP. HARVEY	✓	
VICE CHAIR BUTTREY	✓	
CHAIR NOLAND	✓	

20 MEMBERS



HOUSE STANDING COMMITTEE REPORT

February 4, 2021

Page 1 of 1

Mr. Speaker:

We, your committee on **Business and Labor** recommend that **House Bill 232** (first reading copy -- white) **do pass**.

Signed: *Mark Noland*
Representative Mark Noland, Chair

- END -

Committee Vote:

Yes 20, No 0

Fiscal Note Required ☐

HB0232002SC.hlc

2.4.21
JR 11:23AM
(P)



HOUSE STANDING COMMITTEE REPORT

February 4, 2021

Page 1 of 1

Mr. Speaker:

We, your committee on **Business and Labor** recommend that **House Bill 249** (first reading copy -- white) **do pass**.

Signed: _____

Mark Noland
Representative Mark Noland, Chair

- END -

Committee Vote:

Yes 18, No 2

Fiscal Note Required ____

HB0249002SC.hlc

2.4.21
5R 11:22AM
(F)



The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

BUSINESS & LABOR COMMITTEE

ROLL CALL VOTE

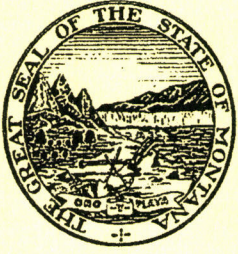
BILL NUMBER HB 249

DATE 2-4-2021

MOTION Do Pass

NAME	AYE	NO	PROXY
VICE CHAIR SULLIVAN	✓		
REP. CURDY		✓	
REP. OLSEN	✓		
REP. FUNK	✓		
REP. ABBOTT	✓		✓
REP. WHITEMAN PENA		✓	
REP. FITZGERALD	✓		
REP. ANDERSON	✓		
REP. GALLOWAY	✓		
REP. LOGE	✓		
REP. SEEKINS-CROWE	✓		
REP. DURAM	✓		
REP. MARSHALL	✓		
REP. NOVAK	✓		
REP. GIST	✓		
REP. GUNDERSON	✓		
REP. ZOLNIKOV	✓		
REP. HARVEY	✓		
VICE CHAIR BUTTREY	✓		
CHAIR NOLAND	✓		

20 MEMBERS



The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

AUTHORIZED COMMITTEE PROXY 67TH LEGISLATIVE SESSION

I request to be excused from the Business and Labor Committee.

I desire to leave my proxy vote with Rep. Sullivan.

PLEASE USE PEN

BILL	MOTION (Include AMENDMENT #)	AYE	NO
HB 232	DO PASS	X	
HB-249	DO PASS	X	

BILL	MOTION (Include AMENDMENT #)	AYE	NO

I authorize my vote to be matched with that of Rep. _____
for any amendments proposed on this date.

Rep. Via E-MAIL KIM ABBOTT _____
(Signature) (Print Name) (Meeting Date)

**MONTANA House of Representatives
Visitors Register
HOUSE BUSINESS AND LABOR COMMITTEE**

Thursday, February 4, 2021

SB 28 - Revise captive insurance laws relating to examinations by the commissioner

Sponsor: Sen. Daniel Salomon (R)

PLEASE PRINT

[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MONTANA House of Representatives Visitors Register

Thursday, February 4, 2021

SB 66 - Generally revise the Montana Business Corporation Act

Sponsor: **Sen. Steve Fitzpatrick (R)**

PLEASE PRINT

[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MONTANA House of Representatives
Visitors Register
HOUSE BUSINESS AND LABOR COMMITTEE

Thursday, February 4, 2021

SB 70 - Revise laws pertaining to physical therapists

Sponsor: **Sen. Steve Fitzpatrick (R)**

PLEASE PRINT

[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MONTANA House of Representatives
Visitors Register
HOUSE BUSINESS AND LABOR COMMITTEE

Thursday, February 4, 2021

SB 97 - Remove sunset provision of active supervision laws for professional boards

Sponsor: Sen. Steve Fitzpatrick (R)

PLEASE PRINT

[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

House Business and Labor Committee Zoom Testimony Requests Meeting: 02/04/2020 8:30 AM

[illegible]

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 67th LEGISLATURE - REGULAR SESSION

COMMITTEE ON BUSINESS AND LABOR

Call to Order: Chair Mark Noland, on February 5, 2021 at 08:30 AM, in Room 172 Capitol

ROLL CALL

Members Present:

Rep. Mark Noland, Chair (R)
Rep. Edward Buttrey, Vice Chair (R)
Rep. Katie Sullivan, Vice Chair (D)
Rep. Fred Anderson (R)
Rep. Willis Curdy (D)
Rep. Neil Duram (R)
Rep. Ross H. Fitzgerald (R)
Rep. Moffie Funk (D)
Rep. Steven Galloway (R)
Rep. Steve Gist (R)
Rep. Steve Gunderson (R)
Rep. Derek J. Harvey (D)
Rep. Denley M. Loge (R)
Rep. Ron Marshall (R)
Rep. Sara Novak (D)
Rep. Andrea Olsen (D)
Rep. Kerri Seekins-Crowe (R)
Rep. Rynalea Whiteman Pena (D)
Rep. Katie Zolnikov (R)

Members Excused:

Rep. Kim Abbott (D)

Members Absent: None

Staff Present:

Jordee Bomgardner, Committee Secretary
Jameson Walker, Legislative Branch
Cara Grewell, Remote Meeting Coordinator

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: HB 139, 2/2/2021; SB 90, 2/2/2021; SB 102, 2/2/2021

Executive Action: HB 151, HB 157, HB 198, HB 217, HB 226, HB 254, SB 28,
SB 66, SB 70, SB 97, SB 112

HEARING ON SB 90

Opening Statement by Sponsor:

08:32:55 Sen. Jason Small (R), SD 21, opened the hearing on SB 90, Revise psychology licensing laws.

Proponents' Testimony:

08:35:17 Stacey Anderson, Montana Primary Care Association (MPCA)

08:36:18 Matt Kuntz, National Alliance on Mental Illness (NAMI)

08:38:41 Todd Younkin, Montana Department of Labor and Industry (DLI)

[EXHIBIT\(buh25a01\)](#)

08:40:16 Dr. Sara Boilen, Montana Board of Psychologists

[EXHIBIT\(buh25a02\)](#)

08:43:10 Dr. Mary Kay Bogumill, Montana Psychological Association (MPA)

Opponents' Testimony: None

Informational Testimony:

08:46:31 Jeff Sealey, Montana Department of Labor and Industry (DLI)

Questions from Committee Members and Responses:

08:46:57 Rep. Galloway

08:47:39 Matt Kuntz, NAMI

08:48:20 Rep. Gist

08:48:27 Vice Chair Buttrey assumed the Chair

08:48:59 Stacey Anderson, MPCA

08:49:39 Rep. Galloway

08:50:23 Jeff Sealey, DLI

08:51:05 Todd Younkin, DLI

08:51:47 Chair Buttrey

08:52:14 Jeff Sealey, DLI

Closing by Sponsor:

08:54:18 Sen. Small

HEARING ON SB 102

Opening Statement by Sponsor:

08:55:02 Sen. Jason Small (R), SD 21, opened the hearing on SB 102, Revise behavioral health licensing laws.

Proponents' Testimony:

08:58:26 Matt Kuntz, National Alliance on Mental Illness (NAMI)

08:59:31 Stacey Anderson, Montanan Primary Care Association (MPCA)

09:01:00 Ann Truesdell, National Association of Social Workers (NASW)

09:02:12 Todd Younkin, Montana Department of Labor and Industry (DLI)

[EXHIBIT\(buh25a03\)](#)

Opponents' Testimony: None

Informational Testimony:

09:03:48 Lucy Richards, Montana Department of Labor and Industry (DLI)

Questions from Committee Members and Responses: None

Closing by Sponsor:

09:04:21 Sen. Small

09:04:36 Rep. Noland assumed the Chair

HEARING ON HB 139

Opening Statement by Sponsor:

09:05:47 Rep. Tom Welch (R), HD 72, opened the hearing on HB 139, Revise death certificate fees to fund board of morticians and funeral services.

Proponents' Testimony:

09:09:43 Chris Holt, Montana Funeral Directors Association (MFDA)

[EXHIBIT\(buh25a04\)](#)

09:14:09 Tyson Moore, Stevenson's & Sons Funeral Home

09:17:13 Chris Puyear, Montana Funeral Directors Association (MFDA)

[EXHIBIT\(buh25a05\)](#)

[EXHIBIT\(buh25a06\)](#)

Opponents' Testimony:

09:26:21 Shantil Siaperas, Montana Association of Counties (MACo); Montana Association of Clerk and Recorders

Informational Testimony:

09:27:33 Todd Younkin, Montana Department of Labor and Industry (DLI)

Questions from Committee Members and Responses:

09:28:04 Rep. Galloway

09:31:27 Todd Younkin, DLI

09:32:10 Vice Chair Buttrey

09:32:47 Todd Younkin, DLI

09:33:30 Vice Chair Buttrey

09:33:42 Rep. Welch

09:34:08 Rep. Olsen

09:44:21 Chris Puyear, MFDA

09:44:48 Rep. Duram

09:46:04 Chris Puyear, MFDA

09:46:11 Rep. Galloway

09:46:26 Chris Puyear, MFDA

09:46:53 Rep. Curdy

09:47:50 Todd Younkin, DLI

Closing by Sponsor:

09:48:16 Rep. Welch

09:48:54 Chair Noland

09:49:08 Rep. Curdy

09:49:27 Chair Noland

09:52:10 Jameson Walker, Legislative Services Division (LSD)

10:02:41 Vice Chair Sullivan

10:02:51 Jameson Walker, LSD

10:03:40 Vice Chair Sullivan

10:03:59 Vice Chair Buttrey

10:04:09 Vice Chair Sullivan

10:04:36 Chair Noland

10:04:42 Rep. Curdy

10:04:54 Chair Noland

10:05:12 Vice Chair Sullivan

10:05:54 Recess

10:37:00 Reconvened

EXECUTIVE ACTION ON HB 157

10:38:00 **Motion:** Rep. Buttrey moved that **HB 157 DO PASS.**

10:38:25 **Motion:** Rep. Buttrey moved that **HB 157 BE AMENDED.**
[EXHIBIT\(buh25a07\)](#)

Discussion:

10:38:59 Rep. Loge

10:39:21 **Vote:** Motion carried unanimously by voice vote. Rep. Abbott voted by proxy.

10:39:52 **Motion/Vote:** Rep. Buttrey moved that **HB 157 DO PASS AS AMENDED.**
Motion carried unanimously by voice vote. Rep. Abbott voted by proxy.

EXECUTIVE ACTION ON HB 198

10:40:31 **Motion:** Rep. Buttrey moved that **HB 198 DO PASS.**

10:41:01 **Motion:** Rep. Buttrey moved that **HB 198 BE AMENDED.**
[EXHIBIT\(buh25a08\)](#)

Discussion:

10:41:24 Rep. Harvey

10:41:40 **Vote:** Motion carried unanimously by voice vote. Rep. Abbott voted by proxy.

10:41:54 **Motion:** Rep. Buttrey moved that **HB 198 DO PASS AS AMENDED.**

Discussion:

10:42:01 Rep. Duram

10:42:26 **Vote:** Motion carried unanimously by voice vote. Rep. Abbott voted by proxy.

EXECUTIVE ACTION ON HB 217

10:43:18 **Motion:** Rep. Buttrey moved that **HB 217 DO PASS**.

10:43:31 **Motion/Vote:** Rep. Buttrey moved that **HB 217 BE AMENDED**. Motion carried unanimously by voice vote. Rep. Abbott voted by proxy.

[EXHIBIT\(buh25a09\)](#)

10:44:28 **Motion:** Rep. Buttrey moved that **HB 217 DO PASS AS AMENDED**.

Discussion:

10:44:36 Rep. Curdy

10:44:57 **Vote:** Motion carried unanimously by voice vote. Rep. Abbott voted by proxy.

EXECUTIVE ACTION ON HB 226

10:45:15 **Motion:** Rep. Buttrey moved that **HB 226 DO PASS**.

10:45:27 **Motion:** Rep. Buttrey moved that **HB 226 BE AMENDED**.

[EXHIBIT\(buh25a10\)](#)**Discussion:**

10:46:07 Rep. Zolnikov

10:46:17 **Vote:** Motion carried unanimously by voice vote. Rep. Abbott voted by proxy.

10:46:39 **Motion:** Rep. Buttrey moved that **HB 226 DO PASS AS AMENDED**.

Discussion:

10:46:53 Rep. Duram

10:47:41 **Vote:** Motion carried 16-4 by roll call vote with Rep. Duram, Rep. Galloway, Rep. Olsen and Rep. Whiteman Pena voting no. Rep. Abbott voted by proxy.

EXECUTIVE ACTION ON HB 254

10:48:51 **Motion:** Rep. Buttrey moved that **HB 254 DO PASS**.

10:49:19 **Motion:** Rep. Buttrey moved that **HB 254 BE AMENDED**.

[EXHIBIT\(buh25a11\)](#)

Discussion:

10:49:50 Vice Chair Sullivan
10:50:29 Rep. Fitzgerald

10:50:49 **Vote:** Motion carried 12-8 by roll call vote with Rep. Abbott, Rep. Curdy, Rep. Funk, Rep. Harvey, Rep. Novak, Rep. Olsen, Rep. Sullivan and Rep. Whiteman Pena voting no. Rep. Abbott and Rep. Whiteman Pena voted by proxy.

10:52:02 **Motion:** Rep. Buttrey moved that **HB 254 DO PASS AS AMENDED.**

Discussion:

10:52:20 Rep. Novak

10:53:17 **Vote:** Motion carried 12-8 by roll call vote with Rep. Abbott, Rep. Curdy, Rep. Funk, Rep. Harvey, Rep. Novak, Rep. Olsen, Rep. Sullivan and Rep. Whiteman Pena voting no. Rep. Abbott voted by proxy.

EXECUTIVE ACTION ON SB 28

10:54:20 **Motion/Vote:** Rep. Buttrey moved that **SB 28 BE CONCURRED IN.** Motion carried 19-1 by voice vote with Rep. Olsen voting no. Rep. Abbott voted by proxy. Rep. Anderson will carry the bill.

EXECUTIVE ACTION ON SB 66

10:55:18 **Motion/Vote:** Rep. Buttrey moved that **SB 66 BE CONCURRED IN.** Motion carried unanimously by voice vote. Rep. Abbott voted by proxy. Rep. Buttrey will carry the bill.

EXECUTIVE ACTION ON HB 70

10:56:01 **Motion/Vote:** Rep. Buttrey moved that **SB 70 BE CONCURRED IN.** Motion carried 19-1 by voice vote with Rep. Olsen voting no. Rep. Abbott voted by proxy. Rep. Buttrey will carry the bill.

EXECUTIVE ACTION ON SB 97

10:56:56 **Motion/Vote:** Rep. Buttrey moved that **SB 97 BE CONCURRED IN.** Motion carried unanimously by voice vote. Rep. Abbott voted by proxy. Rep. Buttrey will carry the bill.

EXECUTIVE ACTION ON SB 112

10:57:42 **Motion:** Rep. Buttrey moved that **SB 112 BE CONCURRED IN.**

10:58:14 **Motion:** Rep. Buttrey moved that **SB 112 BE AMENDED.**
EXHIBIT(buh25a12)

Discussion:

10:58:28 Rep. Olsen

10:59:47 Vice Chair Buttrey

11:00:30 **Vote:** Motion failed 8-12 by roll call vote with Rep. Abbott, Rep. Curdy, Rep. Funk, Rep. Harvey, Rep. Novak, Rep. Olsen, Rep. Sullivan and Rep. Whiteman Pena voting aye. Rep. Abbott voted by proxy.

11:01:40 Rep. Olsen

11:03:39 **Motion/Vote:** Rep. Noland moved that **SB 112 BE CONCURRED IN.** Motion carried 15-5 by roll call vote with Rep. Abbott, Rep. Curdy, Rep. Olsen, Rep. Sullivan and Rep. Whiteman Pena voting no. Rep. Abbott voted by proxy. Rep. Buttrey will carry the bill.

EXECUTIVE ACTION ON HB 151

11:05:11 Vice Chair Buttrey

11:05:24 **Motion/Vote:** Rep. Buttrey moved that **HB 151 BE TABLED.** Motion carried 19-0 by voice vote.

11:06:15 Chair Noland

11:06:38 Rep. Olsen

11:07:56 Chair Noland

11:09:56 Jameson Walker, LSD

11:11:30 Chair Noland

11:13:15 Rep. Loge

ADJOURNMENT

Adjournment: 11:13:26

Jordee Bomgardner, Secretary

jb

Additional Documents:

EXHIBIT([buh25aad.pdf](#))

Amendments to Senate Bill No. 112
3rd Reading Copy

Requested by Andrea Olsen
For the (H) Business and Labor

Prepared by Jameson Walker
02/04/2021, 11:47:24

1. Page 1, line 21.

Following: "professional"

Insert: "for the same claim or damages"

2. Page 2, line 14.

Following: "30-14-133"

Insert: "for the same claim or damages"

- END -

Explanation - Note: Because the page and line numbers referred to in these amendment instructions are required to match the page and line numbers of the official bill version being amended, they will not necessarily match the page and line numbers shown in any related Amendments in Context document.